

12/8/98 9:47:59 AM
Page 1

1999 DRAFTING REQUEST**Bill**Received: **09/28/98**Received By: **nilsepe**Wanted: **As time permits**Identical to LRB: **99-0302**For: **David Brandemuehl (608) 266-1170**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**Extra Copies: **TNF**

Topic:CDL compliance review

Instructions:See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 10/27/98	gilfokm 11/2/98		_____			State
/1	nilsepe 11/12/98	gilfokm 11/17/98	hhagen 11/2/98	_____	lrb_docadmin 11/2/98		State
/2	nilsepe 11/25/98	gilfokm 11/25/98	lpaasch 11/18/98	_____	lrb_docadmin 11/18/98		State
/3			hhagen 11/30/98	_____	lrb_docadmin 11/30/98	lrb_docadmin 12/8/98	

FE Sent For: **12/8/98 .**

"/3"

<END>

11/30/98 11:56:32 AM
Page 1

1999 DRAFTING REQUEST

Bill

Received: **09/28/98**

Received By: **nilsepe**

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For: **David Brandemuehl (608) 266-1170**

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/3			hhagen 11/30/98	_____	lrb_docadmin 11/30/98		

FE Sent For:

<END>

11/18/98 12:15:56 PM

Page 1

1999 DRAFTING REQUEST

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Received: 09/28/98

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Wanted: As time permits

Identical to LRB: 99-0302

For: David Brandemuehl (608) 266-1170

By/Representing:

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/?	nilsepe 10/27/98	gilfokm 11/2/98		_____			State
/1	nilsepe 11/12/98	gilfokm 11/17/98	hhagen 11/2/98	_____	lrb_docadmin 11/2/98		State
/2		1/3 - 11-25 King	lpaasch 11/18/98 11/30	_____	lrb_docadmin 11/18/98		

FE Sent For:

<END>

11/2/98 12:56:21 PM
Page 1

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Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **99-0302**

For: **David Brandemuhl (608) 266-1170**

By/Representing:

This file may be shown to any legislator: **NO**

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Alt. Drafters:

Subject: **Transportation - driver licenses**

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/?	nilsepe 10/27/98	gilfokm 11/2/98					State
/1		12-11-17 Kmg	hhagen 11/2/98		lrb_docadmin 11/2/98		
FE Sent For: <div style="text-align: center;"> 11/18 L.P. hmv <END> </div>							

9/28/98 12:59:45 PM

Page 1

1999 DRAFTING REQUEST

Bill

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By/Representing:

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Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies: TNF

Topic:

CDL compliance review

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1?	nilsepe	11-10-30 Kmg	11 11/2	11 11/2			

FE Sent For:

<END>



DAVID BRANDEMUEHL

*State Representative
49th Assembly District*

TO: Paul Nielson, Legislative Reference Bureau

FROM: Sheri Krause, Rep. Brandemuehl's office

DATE: September 28, 1998

RE: Drafting requests

Attached are four proposals for legislation that Rep. Brandemuehl would like drafted. I've provided you with all of the relevant information I was given by the DOT, so if you have any questions or would like a clarification, please feel free to call me or the DOT contact person. Rep. Brandemuehl would also like to reintroduce AB 752 from last session.

Also, you should be getting (or may have already gotten) some drafting requests from the DOT that relate to: deleting outdated references to liens on titles that date from before 1966; removing the few remaining statutory references to specific dates for expiration of motorcycles/mopeds and farm trucks; deleting the word "retail" in reference to motor vehicle auction dealer penalties; eliminating the requirement, but make optional the purchase of two dealer license plates for motor vehicle salvage pools; and eliminating the requirement that DOT revoke a dealer license for misuse of dealer plates. Rep. Brandemuehl will be introducing these bills on their behalf, so I would appreciate it if you could please send us copies of the drafts.

Thanks for your help Paul! Please let me know if you have any questions or problems.


draft together

WISCONSIN DEPARTMENT OF TRANSPORTATION
LEGISLATIVE PROPOSAL FORM
BUDGET NON-BUDGET

-0385

99-01

SHORT TITLE OF ISSUE: CDL(Commercial Driver's License) Compliance relating to CDL Disqualifications and the Definition of Hazardous Materials

DIVISION(S): DMV	DIVISION ADMINISTRATORS' SIGNATURES: 
DATE: August 13, 1998	
OPB CONTACT PERSON Lis Gorenstein:	6-0179
LEAD DIVISION CONTACT PERSON: Julie Clark	6-2239
OGC CONTACT PERSON: Joe Maassen	6-7364

DEFINE PROBLEM PRECISELY

In our CDL Compliance review for 1998, FHWA recommends we amend 2 sections of our CDL law:

1) 343.06(2) relating to disqualification for serious traffic violations

The Commercial Motor Vehicle Safety Act (CMVSA) requires states to disqualify commercial drivers when they have been convicted of 2 serious traffic violations, such as speeding in excess or passing illegally. Our present law says the department shall disqualify for these offenses "unless the required period of disqualification has already expired." They also recommend the effective date for these orders begin on the date we send the order rather than upon convictions date to prevent drivers from receiving the disqualification order during or close to the end of the disqualification time.

2) 340.01(72m) the definition of "transporting hazardous materials"

This definition is outdated. FHWA changed the definition of hazardous materials on October 1, 1991 when the International standards for classification of hazardous materials was adopted by the US.

PROPOSED SOLUTION

1) Amend s.343.06(2) to delete the language "unless the required period of disqualification has already expired." and add new language to make the disqualification order effect on the date DMV sends the order.

2) Amend 340.01(72m) with the current definition of hazardous materials as listed in 49CFR part 172.504 (placarding) and 49CFR 173.2 .

Carson
Non budget

FINDINGS AND RESOLUTIONS

1). Disqualification of Drivers.

Finding: The State period of disqualification period for violations set forth in State Statutes are the same as those in 49 CFR part 383. When a CDL driver is convicted of a second serious traffic violation in a three year period the driver is administratively disqualified for 60 days. The disqualification period starts when WisDOT is notified of the conviction. **This could take 45 days or more. In some cases the driver is notified of the disqualification close to the end of the disqualification period.**

This driver disqualification delay was also discovered during the Program Review conducted November 30, 1995. During the June 9, 1998 Program Review, Julie Clark stated that "after the last review their department tried to fix the problem by attaching the new statute language to our budget as one of the budget items." "The budget item did not pass." Ms. Clark stated that, "her department will be entering the statute language as a non budgetary item for the next legislative session stating on January 1, 1999".

Recommendation: Wisconsin should institute a policy that would provide for disqualification for the full period beginning on the date the notification is sent to the driver.

2). Additional CDL Requirements for Wisconsin residents.

Finding: 49CFR part 383.5 requires the operator of a CMV to possess a CDL when the vehicle has:

- 1). Gross vehicle weight rating(GVWR) or combination weight rating of 26,001 lbs or more.
- 2). Placarded amounts of hazardous materials (as defined in 49CFR part 172)
- 3). A vehicle designed to transport more than 15 persons.

In addition to the requirements listed in 49CFR part 383, Wisconsin requires resident licensed operators to possess CDLs when the gross vehicle weight(GVW) is 26,001lb or more and/or the vehicle licensed weight is 26,001 lbs or more.

Recommendation: Since Wisconsin honors the non-resident CDL requirements, this does not appear to be a issue. Wisconsin has expanded the definition of a CMV for it's residents.

3). Wisconsin definitions of Placarded amounts of Hazardous Materials.

State Statute ss.343.04(2)a defines a "Hazardous materials transporter" as: "...vehicles transporting hazardous materials."

State Statute 340.01(72m) defines "Transporting hazardous material" as: "(a) Transporting any quantity of a material classified as a A or B explosive, poison gas or "poison A", radioactive materials or flammable solid "dangerous when wet" or "flammable W" in the hazardous Materials table, 49CFR 172.101.

(b) Transporting in aggregate total of 1,000 pounds or more of one or more materials classified as a class C explosive, blasting agent, non flammable gas, combustible liquid, flammable liquid, flammable solid, oxidizer, organic peroxide, poison or "poison B", corrosive material, or irritating materials in the Hazardous Materials table, 49CFR 172.101.....

- The definition of the hazardous materials class as defined in ss. 340. 72m is outdated. The definitions were changed as of October 1, 1991, when the United Nations International standards for classification of hazardous materials was adopted by the United States.
- There is no cross-reference between the definition of "Transporting hazardous materials" in ss.340.01(72m) and "Hazardous materials transporter in ss.343.04.

The Wisconsin Department of Motor Vehicles has clarified the 10/01/91, definition of a hazardous materials and the requirements for transporting placarded amounts of hazardous materials in their Commercial Driver's Manual.

Recommendation: Wisconsin should adopt the current definition of hazardous material classes as listed in 49CFR part 172.504 (placarding) and 49CFR 173.2. (Example A or B explosives are now classed as 1.1, 1.2 or 1.3), and adopt the definition of what a "placarded amount of hazardous material is" (see 49CFR 172.504) in the "Words and phrases defined" section of ss.343.01.

4). Wisconsin Commercial Driver's Manual (CDM) (Volume 1 and 2) and CDL knowledge tests

- The Wisconsin CDM is missing one requirements of 49CFR part 383. 383.131(a)(1) Requires that the state CDL manual include information on implied consent to alcohol testing. State Statute ss.343.315 is the implied consent law, however implied consent is not defined in the CDM.
- The Wisconsin CDL knowledge test is missing three requirements of 49CFR part 383 to obtain a Tank Endorsement or Hazardous Materials Endorsement.
 - 1). 383.119(g) Proper use of emergency systems. (See 49CFR part 177.816, 177.834)
 - 2). 383.119(h) For drivers of DOT specification tank vehicles, retest and marking requirements. (See 49CFR part 180.407)

Wisconsin uses Version 3.1 of the Essex Test written tests. The version that Wisconsin is using does not include questions on the DOT specification tank vehicle retest and marking requirements and cargo tank emergency shut off equipment and procedures.

Recommendation: Wisconsin should add hazardous material cargo tank testing and inspection and emergency shut-off questions to it's written tests and add hazardous material cargo tank questions and information and the implied consent notice to it's CDL Driver's Manual.

-0385/1

DOA:.....Etzler - FHWA CDL compliance review

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

check
auto refs.

get
cat

1

AN ACT ...; relating to: ~~the budget~~

eligibility to operate
commercial motor vehicles and the
transport of hazardous materials

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law requires the disqualification of a person licensed to drive a commercial motor vehicle upon conviction of that person for committing certain major traffic-related offenses or for violating other requirements related to operating a commercial motor vehicle. No person may drive a commercial motor vehicle during a period of disqualification. This bill specifies that, except for 24-hour disqualifications, the period of disqualification begins on the date that the department of transportation ~~notifies~~ notifies the operator of the disqualification, instead of commencing on the date of conviction for the offense giving rise to the disqualification.

FE-S

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 340.01 (72m) (intro.) and (a) of the statutes are consolidated,

3

renumbered 340.01 (72m) and amended to read:

1 340.01 (72m) "Transporting hazardous materials" means ~~any of the following:~~
2 ~~(a) Transporting any quantity of a transporting material that is~~ classified as a class
3 ~~A or B~~ an explosive, blasting agent, detonating substance, nonflammable
4 compressed gas, flammable and combustible liquid, spontaneously combustible
5 material, oxidizer, organic peroxide, poison gas or "poison A" material, infectious
6 substance, corrosive material, miscellaneous hazardous material, radioactive
7 material or, flammable gas or solid, dangerous when wet material or "flammable W"
8 other regulated material (ORM-D) and that is listed in the hazardous materials
9 table, under 49 CFR 172.101 172.504 or 173.2.

10 SECTION 2. 340.01 (72m) (b) of the statutes is repealed.

11 SECTION 3. 343.06 (2) of the statutes is amended to read:

12 343.06 (2) The department shall not issue a commercial driver license,
13 including a renewal, occupational or reinstated license, to any person during any
14 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
15 jurisdiction in substantial conformity therewith, as the result of one or more
16 disqualifying offenses committed on or after July 1, 1987. Any person who is known
17 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be
18 disqualified by the department, ~~unless the required period of disqualification has~~
19 ~~already expired~~ as provided in s. 343.315.

20 SECTION 4. 343.06 (2) of the statutes, as affected by 1997 Wisconsin Act 84, is
21 amended to read:

22 343.06 (2) The department shall not issue a commercial driver license,
23 including a renewal, occupational or reinstated license, to any person during any
24 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
25 jurisdiction in substantial conformity therewith, as the result of one or more

1 disqualifying offenses committed on or after July 1, 1987. Any person who is known
2 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be
3 disqualified by the department, ~~unless the required period of disqualification has~~
4 ~~already expired~~ as provided in s. 343.315.

5 **SECTION 5.** 343.315 (4) of the statutes is amended to read:

6 343.315 (4) NOTIFICATION AND COMMENCEMENT. Beginning on April 1, 1992, the
7 department shall send the notice of disqualification by 1st class mail to a person's
8 last-known residence address. A period of disqualification ordered under this
9 section commences on the date on which the notice is sent under this subsection. This
10 subsection does not apply to disqualifications under sub. (2) (g).

11 **SECTION 9350. Initial applicability, transportation.**

12 (1) **COMMERCIAL DRIVERS LICENSES.**

13 (a) The treatment of sections 343.06 (2) (by SECTION 3) and 343.315 (4) of the
14 statutes first applies to disqualifying offenses committed on the effective date of this
15 paragraph.

16 (b) The treatment of sections 343.06 (2) (by SECTION 4) of the statutes first
17 applies to disqualifying offenses committed on the effective date of this paragraph.

18 **SECTION 9400. Effective dates, transportation.**

19 (1) ~~COMMERCIAL DRIVERS LICENSES~~ The treatment of section 343.06 (2) (by
20 SECTION 4) of the statutes and SECTION 9350 (1) (b) of this act take effect on May 1,
21 2000, or on the date applicable to that section stated in the notice published under
22 section 85.515 of the statutes, whichever is earlier.

23 (END)

1999

INS.
FFF

LRB

Nonstat File Sequence:

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: ... **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in
"____" or "()" only if a "frozen" number is needed.

SECTION # ____ . Effective date.

(#1) () This act takes effect
on

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdateE**
For the text, execute: ... **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in
"____" or "()" only if a "frozen" number is needed.

SECTION # ____ . Effective dates;

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of
sections
of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute: ... **create** → **action:** → *NS: → **94XX**
For the text, execute: ... **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the
budget, fill in the **9400** department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 ____ . Effective dates;

(#1) () The treatment of
sections
of the statutes takes effect on

(end insert)

Nilsen, Paul

From: Krause, Sheri
Sent: Wednesday, November 11, 1998 9:41 AM
To: Nilsen, Paul
Subject: FW: LRB-0385/1 relating to CMV's transporting haz. mats

Thanks Paul!

From: Clark, Julie[SMTP:julie.clark@dot.state.wi.us]
Sent: Wednesday, November 11, 1998 7:47 AM
To: Krause, Sheri; VICKERY, WILLIAM
Cc: MAASSEN, JOE; WALHEIM, LYLE
Subject: LRB-0385/1 relating to CMV's transporting haz. mats

Sheri: Lyle Walheim of the State Patrol recommends the following change for Section 1 of this draft:

On page 2, line 4 after the word classified add, "in 49 CFR 173.2 and placarded in accordance with CFR 172.504.

On page 2, line 4, delete the underscored, "as a class" and delete lines 5 thru 11.

The rest of the draft is fine.

1999 BILL

The bill also changes the definition of "transporting of hazardous materials" so that provisions of law applicable to transporting of hazardous materials apply only to vehicles that are

placarded as required under federal law.

Gen. Cat.

D-Note

index

- 1 AN ACT to repeal 340.01 (72m) (b); to consolidate, renumber and amend
- 2 340.01 (72m) (intro.) and (a); and to amend 343.06 (2), 343.06 (2) and 343.315
- 3 (4) of the statutes; relating to: eligibility to operate commercial motor vehicles
- 4 and the transport of hazardous materials.

Analysis by the Legislative Reference Bureau

Current law requires the disqualification of a person licensed to drive a commercial motor vehicle upon conviction of that person for committing certain major traffic-related offenses or for violating other requirements related to operating a commercial motor vehicle. No person may drive a commercial motor vehicle during a period of disqualification. This bill specifies that, except for 24-hour disqualifications, the period of disqualification begins on the date that the department of transportation notifies the operator of the disqualification, instead of commencing on the date of conviction for the offense giving rise to the disqualification.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 340.01 (72m) (intro.) and (a) of the statutes are consolidated,
2 renumbered 340.01 (72m) and amended to read:

3 340.01 (72m) "Transporting hazardous materials" means any of the following:
4 (a) ~~Transporting any quantity of a transporting material that is classified as a class~~
5 ~~A or B an explosive, blasting agent, detonating substance, nonflammable~~
6 ~~compressed gas, flammable and combustible liquid, spontaneously combustible~~
7 ~~material, oxidizer, organic peroxide, poison gas or "poison A" material, infectious~~
8 ~~substance, corrosive material, miscellaneous hazardous material, radioactive~~
9 ~~material or, flammable gas or solid, dangerous when wet material or "flammable W"~~
10 ~~other regulated material (ORM-D) and that is listed in the hazardous materials~~
11 ~~table, under 49 CFR 172.101 172.504 or 173.2.~~

12 **SECTION 2.** 340.01 (72m) (b) of the statutes is repealed.

13 **SECTION 3.** 343.06 (2) of the statutes is amended to read:

14 343.06 (2) The department shall not issue a commercial driver license,
15 including a renewal, occupational or reinstated license, to any person during any
16 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
17 jurisdiction in substantial conformity therewith, as the result of one or more
18 disqualifying offenses committed on or after July 1, 1987. Any person who is known
19 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be
20 disqualified by the department, ~~unless the required period of disqualification has~~
21 ~~already expired as provided in s. 343.315.~~

22 **SECTION 4.** 343.06 (2) of the statutes, as affected by 1997 Wisconsin Act 84, is
23 amended to read:

24 343.06 (2) The department shall not issue a commercial driver license,
25 including a renewal, occupational or reinstated license, to any person during any

BILL

1 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
2 jurisdiction in substantial conformity therewith, as the result of one or more
3 disqualifying offenses committed on or after July 1, 1987. Any person who is known
4 to the department to be subject to disqualification under s. 343.315 (1) (a) shall be
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6 ~~already expired as provided in s. 343.315.~~

7 **SECTION 5.** 343.315 (4) of the statutes is amended to read:

8 343.315 (4) NOTIFICATION AND COMMENCEMENT. Beginning on April 1, 1992, the
9 department shall send the notice of disqualification by 1st class mail to a person's
10 last-known residence address. A period of disqualification ordered under this
11 section commences on the date on which the notice is sent under this subsection. This
12 subsection does not apply to disqualifications under sub. (2) (g).

13 **SECTION 6. Initial applicability.**

14 (1) **COMMERCIAL DRIVERS LICENSES.** (a) The treatment of sections 343.06 (2) (by
15 SECTION 3) and 343.315 (4) of the statutes first applies to disqualifying offenses
16 committed on the effective date of this paragraph.

17 (b) The treatment of section 343.06 (2) (by SECTION 4) of the statutes first
18 applies to disqualifying offenses committed on the effective date of this paragraph.

19 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of section 343.06 (2) (by SECTION 4) of the statutes and
22 SECTION 6 (1) (b) of this act take effect on May 1, 2000, or on the date applicable to
23 that section stated in the notice published under section 85.515 of the statutes,
24 whichever is earlier.

25 (END)

WPO:
(a) starts
a new
par.

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0385/2ins

PEN.....

✓ (insert
2-13)

SECTION 1. 340.01 (72m) of the statutes is repealed and recreated to read:

340.01 (72m) "Transporting hazardous materials" means transporting any material that is classified in 49 CFR 173.2 in a vehicle that is placarded as provided in 49 CFR 172.504.

(lead insert)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0385/2dn

PEN.....
King

November 12, 1998

AA
With this change to the definition under s. 340.01 (72m), provisions of law applicable to vehicles "transporting hazardous materials" do not apply to unplacarded vehicles carrying hazardous materials. See ss. 340.01 (8) (d), 343.04 (1) (c) 2. and (2) (a), 343.055 (1) (c) and (3), 343.16 (1) (a), 343.17 (3) (d) 1m., 343.28 (1) and (2), 343.315 (2) (b) and (i) and 345.11 (2m) (b), stats. Is this your intent?

Paul E. Nilsen
Legislative Attorney
261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0385/2dn
PEN:kmg:lp

November 12, 1998

With this change to the definition under s. 340.01 (72m), provisions of law applicable to vehicles "transporting hazardous materials" do not apply to unplacarded vehicles carrying hazardous materials. See ss.340.01 (8) (d), 343.04 (1) (c) 2. and (2) (a), 343.055 (1) (c) and (3), 343.16 (1) (a), 343.17 (3) (d) 1m., 343.28 (1) and (2), 343.315 (2) (b) and (i) and 345.11 (2m) (b), stats. Is this your intent?

Paul E. Nilsen
Legislative Attorney
261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0385/2
PEN:kmg:lp

13

1999 BILL

1 *Gen. Cat.* AN ACT *to repeal* 340.01 (72m) (b); *to consolidate, renumber and amend*
2 340.01 (72m) (intro.) and (a); and *to amend* 343.06 (2), 343.06 (2) and 343.315
3 (4) of the statutes; **relating to:** eligibility to operate commercial motor vehicles
4 and the transport of hazardous materials.

Analysis by the Legislative Reference Bureau

Current law requires the disqualification of a person licensed to drive a commercial motor vehicle upon conviction of that person for committing certain major traffic-related offenses or for violating other requirements related to operating a commercial motor vehicle. No person may drive a commercial motor vehicle during a period of disqualification. This bill specifies that, except for 24-hour disqualifications, the period of disqualification begins on the date that the department of transportation notifies the operator of the disqualification, instead of commencing on the date of conviction for the offense giving rise to the disqualification.

The bill also changes the definition of "transporting hazardous materials" so that provisions of law applicable to transporting hazardous materials apply only to vehicles that are placarded ~~as required~~ under federal law.

required to be

BILL

1 disqualified by the department, ~~unless the required period of disqualification has~~
2 ~~already expired as provided in s. 343.315.~~

3 **SECTION 4.** 343.315 (4) of the statutes is amended to read:

4 343.315 (4) **NOTIFICATION AND COMMENCEMENT.** Beginning on April 1, 1992, the
5 department shall send the notice of disqualification by 1st class mail to a person's
6 last-known residence address. A period of disqualification ordered under this
7 section commences on the date on which the notice is sent under this subsection. This
8 subsection does not apply to disqualifications under sub. (2) (g).

9 **SECTION 5. Initial applicability.**

10 (1) **COMMERCIAL DRIVERS LICENSES.**

11 (a) The treatment of sections 343.06 (2) (by SECTION 2) and 343.315 (4) of the
12 statutes first applies to disqualifying offenses committed on the effective date of this
13 paragraph.

14 (b) The treatment of section 343.06 (2) (by SECTION 3) of the statutes first
15 applies to disqualifying offenses committed on the effective date of this paragraph.

16 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of section 343.06 (2) (by SECTION 3) of the statutes and
19 SECTION 5 (1) (b) of this act take effect on May 1, 2000, or on the date applicable to
20 that section stated in the notice published under section 85.515 of the statutes,
21 whichever is earlier.

22 (END)

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/30/98

To: Representative Brandemuehl

Relating to LRB drafting number: LRB-0385

Topic

CDL compliance review

Subject(s)

Transportation - driver licenses

1. **JACKET** the draft for introduction Brandemuehl
in the **Senate** ____ or the **Assembly** ✓ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Brandemuehl.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926